

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 12-14 and 21-30 remain in the application. Claims 1-5, 9 and 11 have been canceled with this Amendment. Independent claim 12 has been amended. New claims 27-30 have been added.

The last office action included a very detailed discussion of the Declaration that was submitted with the last Amendment. The Examiner stated that the sample that was analyzed as the equivalent of Reed had a silicone-containing release layer applied to an uncoated paper. The Examiner noted, however, that his rejection was based on portions of Reed that apply the silicone-containing release layer to a coated paper. The Examiner's comments are noted and a new Declaration is attached. The Examiner also stated that the sample prepared pursuant to the claimed invention did not use the claimed support layer. The Examiner is incorrect in this regard. Page 1 of the Declaration states that the sample liners were prepared in accordance with the specification and claims of the application. Page 2 of the Declaration states that the samples produced in accordance with the subject application employed a dual slot die "so that the silicone and the support were deposited substantially simultaneously." Thus, although the Declaration may not have analyzed the Reed embodiment considered most relevant by the Examiner, the Declaration was commensurate in scope with the claimed invention. A second Declaration by Mr. Hulme is submitted with this Amendment to provide a more pertinent comparison between the claimed invention and the aspect of Reed relied upon by the Examiner.

The claims that existed in the application prior to this Amendment were rejected under 35 USC 102(b) as being anticipated by Reed, U.S. Patent No. 5,229,212.

The Examiner noted that Reed discloses a multi-layer release liner comprising a backing and a support layer that has been precoated onto the backing. The Examiner then noted that Reed also has a silicone-containing layer covering the support layer. The Examiner stated that the method of forming the claimed structure has not been given patentable weight. The Examiner referred to the Reed analysis pertaining to "hold out" and specifically Table 3 of Reed. The Examiner concluded that Reed discloses a non-linear distribution of the release coating relative to the substrate and referred to "a funnel-like distribution of the silicone". That phrase does not exist in the Reed patent and appears to be the Examiner's interpretation of the data presented in Table 3 of Reed. In any event, these comments pertain to claim 1, which has been canceled.

In response to the arguments that were presented with the last Amendment, the Examiner stated that the applicant has provided no reasoning why the claimed "support layer is any more economically efficient than the clay-coat in Reed."

Counsel, the assignee and the applicants understand that the Examiner cannot rely upon process limitations in a claim directed to a product. However, contrary to the statements on page 7 of the detailed action, there are very significant structural, functional and cost differences between the claimed invention and a release liner that applies a silicone-containing release layer to a previously clay-coated paper. The cost inefficiencies of a Reed-type product are considered in the last full paragraph on page 2 of the application. In particular, the Reed use of a previously clay-coated paper requires the substrate to be coated and then dried, cured or hardened before the silicone layer may be coated. These two separate coating steps require more time, and hence impose cost penalties. However, the structural and functional differences between Reed and the

claimed invention are at least as important as the cost differences. In this later regard, there is nothing in Reed to suggest that the release layer of Reed could somehow create an irregular interface with the clay coating that the Examiner compares to the claimed support layer. In fact, a dispersal of the release coating into the clay coating would seem to be unlikely due to the initial curing of the clay coating. The Examiner's attention is directed with respect to page 26, lines 9-16 of the subject application. Comparative example 25 is illustrated in FIG. 18 of the subject application and was made by applying a support layer to a base, curing the support layer and then subsequently applying the release layer. The application then explains that

"Referring to Figure 18, there is shown a TEM of Comparative Example 25. As shown in Figure 18, a very sharp border exists between the silicone-containing layer and the RSL layer. Little or no intermixing is seen to occur between the two respective layers. Therefore, it is believed that bonding between the respective layers is minimized in comparison to the dual die coating constructs, and therefore the two layers are more likely to separate." (page 27, line 4-9)

Counsel has reviewed Table 3 of Reed and the Examiner's comments regarding that Table. It is assumed that portions of the Reed release coating that are not on the surface of the Reed structure have flowed into interstices between the coated fibers. This might support the Examiner's funnel analogy. However, this is much different that the claimed dispersal of the release layer with the support layer sufficient to define an irregular interfacial area between the layers. In contrast to Reed, the invention defined by the amended claim 12 has a release layer deposited on the support layer substantially when the support layer is deposited on the backing. Counsel understands that this is a method limitation that is given no patentable weight. However, amended claim 12

proceeds to state that "the release layer is dispersed into the support layer to define an irregular interfacial area with small domains of the silicone in the support layer". This claimed aspect of the invention has clear support in the specification (page 12, line 17 - page 13, line 11 and page 26, line 20 - page 27, line 9). The domains of silicone in the support layer are believed to occur when there is a sufficiently irregular interfacial boundary for achieving a secure anchoring of the release layer on the support layer. Claim 12 further clarifies that the dispersal of the release layer into the support layer is controlled so that the release layer defines a release surface across the multilayer release liner. The release surface across the multilayer release liner ensures a very good quality release performance as demonstrated by the data presented in the July 21, 2004 Declaration. As evidenced by the above-cited comparative example 25 and Figure 18 of the subject application, the claimed dispersal of the release layer into the support layer would not appear to occur by applying a release layer to a preexisting clay-coated paper, and certainly is not disclosed or suggested by Reed.

Claim 21 provides similar limitations and for similar reasons is patentably distinct from Reed. In particular, claim 21 specifies that the release layer is "disposed on the support layer and dispersed sufficiently with the support layer for defining an irregular interfacial area between the layers and for substantially bonding said release layer to said support layer while providing a substantially continuous release surface of said release layer across said multi-layer release liner." This "bonding of the release layer to the support layer decreases a propensity of the release layer to separate" but still provides "a continuous release surface that exhibits desirable release properties." The mere flowing of the Reed silicone-containing layer into funnel-shaped interstices between clay-coated

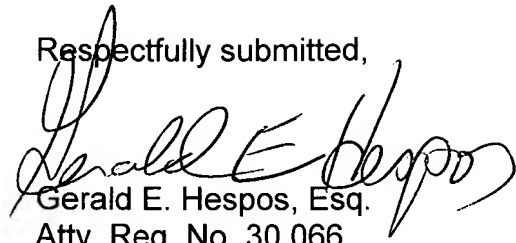
fibers clearly is much different than the claimed dispersal of the release layer with the support layer as that term is used in the specification and as that term is presented in the claims.

The differences between the claimed invention and Reed are further demonstrated by the attached Declaration of Mr. Adrian Hulme. In particular, the dispersal of the release layer with the support layer achieves an irregular interfacial area with better anchorage of the release layer to the support layer as compared to a release layer that is applied directly to a previously clay-coated substrate. The Declaration compared samples made pursuant to the claimed invention with samples made pursuant to Reed's application of a silicone-containing release layer to a clay-coated paper. Samples produced in accordance with the claimed invention and in accordance with Reed were subjected to Durlac rub tests to assess the strength of the binding or anchorage. The Declaration shows significantly enhanced anchorage for the claimed invention. Secure anchoring of a silicon-containing release liner to the support layer is important. A release layer that is not anchored well may impede the separation of a label from the multi-layer release liner, can result in a build-up of silicone dust and can contaminate equipment with separated silicone. As noted above and as stated on page 2 of the application, this enhanced performance can be achieved without the cost penalties associated with Reed's use of a previously clay-coated substrate.

In view of the preceding amendments and remarks, and in view of the attached Declaration, it is submitted that the claimed invention is patentable over Reed and allowance is solicited. The Examiner is urged to contact applicants attorney at the

number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. Hespos", is written over the typed name.

Gerald E. Hespos, Esq.

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